

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

RIGHT OF WAY MAINTENANCE  
COMPANY D/B/A ROWMEC,

*Plaintiff,*

V.

GYRO-TRAC, INC. AND  
GYRO-TRAC (U.S.A.), INC.,

*Defendants.*

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CIVIL ACTION H-05-4081

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AGREED MOTION TO SUPERSEDE JUDGMENT

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Plaintiff, Right-of-Way-Maintenance-Equipment Company d/b/a/ ROWMEC, and Defendants, Gyro-Trac, Inc. and Gyro-Trac (U.S.A.), Inc., (collectively the "Parties"), file this Agreed Motion to Supersede Judgment and Stay Execution, as follows:.

1. The Parties have reached an agreement concerning the Defendants' posting of adequate security during the appeal of the Final Judgment in this case. The documents reflecting that agreement and Plaintiff's acknowledgment of delivery of the certificate are attached as sealed Exhibits A and B. Therefore,

FOR THESE REASONS, the Parties ask the Court to enter an order superseding the Final Judgment pending the appeal of this action, and to cancel all pending hearings and to deny all pending motions as moot, and for all other relief, in law or in equity, to which they may be justly entitled.

Respectfully Submitted,

By: /s/ James P. Keenan

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OF COUNSEL:

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By: /s/ Christopher Bandas

Christopher Bandas

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**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the foregoing Agreed Motion to Supersede Judgment was forwarded to the following counsel of record in this cause via the clerk's ECF System and by fax, on April 22, 2008:

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/s/ James P. Keenan  
James P. Keenan

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CIVIL ACTION H-05-4081

**Order**

Pending before the Court is the parties' Agreed Motion to Supersede Judgment. (Dkt. #230.)

The Court GRANTS the motion. It is therefore:

ORDERED that the Final Judgment (Dkt. # 154) is hereby superseded pending its appeal;  
and

IT IS FURTHER ORDERED that all collection efforts on the Final Judgment are hereby stayed, the Final Judgment is superseded, and no other writs shall issue pending final disposition of the appeal of this case.

IT IS FURTHER ORDERED that all pending discovery motions are DENIED as moot.

IT IS FURTHER ORDERED that the hearing set by the Court for Thursday, April 24, 2008, is CANCELLED.

Signed at Houston, Texas on \_\_\_\_\_, 2008.

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Gray H. Miller  
United States District Judge